



Docket No. 2541 FWC4DIVCIPCON3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **Eric R. Cosman**  
Examiner: **To Be Determined** Group Art Unit: **3737**  
Serial No: **10/730,826** Filed: **12/08/2003**  
For: **SURGICAL POSITIONING SYSTEM**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

Date of Deposit: April 30, 2004

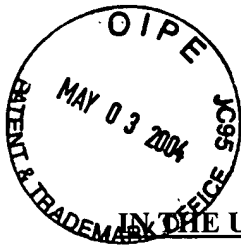
I hereby certify that the following:

- ☒ This Certificate of Mailing
- ☒ Supplemental PTO Form 1449 (1 sheet) and Copies of Cited References (14 Cited References)
- ☒ PCT International Search Report (6 pages)
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are being deposited with the United States Postal Services under 37 CFR Section 1/10 on the Date of Deposit indicated above in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

  
Susan S. Rickard

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Docket: 2541FWC4DIVCIPCON3  
(203-2716FWC4DIVCIPCON3)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: **Eric R. Cosman**

Serial No: **10/730,826**

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. 1.97 (c)**

In accordance with Applicant's duty of disclosure under 37 C.F.R. §1.56, Applicants submit the enclosed references (6,006,126A, 5,622,170A, 5,446,548A, 4,859,181A, 4,797,736A, WO 97 45064A, WO 97 03601 A, WO 97 47240A, WO 96 11624A, EP 0 629963A, EP 0 665686A, EP 0 672 389A, DE 297 04 393U, DE 295 05 318U) for the Examiner's consideration under 37 C.F.R. 1.97 (c).

It is respectfully requested that the reference(s) submitted with Form PTO-1449 herewith be considered during Examination of the above-identified application and made of record therein. This submission is believed to be in compliance with 37 C.F.R. §1.97 and 37 C.F.R. §1.98.

The citation of the listed item(s) is not a representation that it constitutes a complete or exhaustive listing of prior art or that it constitutes prior art. The item(s) listed is/are submitted in good faith, but is/are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner, it will assist the Examiner in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

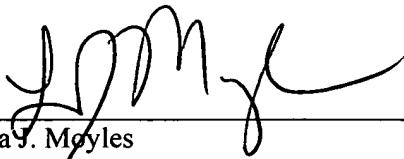
- ( ) This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ( ) This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application.
- ( ) To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action in connection with this case.

- ☐ Enclosed is a certificate under 37 C.F.R. §1.97 (e)(i).
- ☐ Enclosed is a petition under 37 C.F.R. §1.97 (d)
- ☐ Please charge the petition fee of \$130.00 required under 37 C.F.R. §1.17 (i)(1) to Deposit Account No. 21-0550.
- ☐ As set forth in 37 C.F.R. §1.97 (c), to the best of Applicant(s) knowledge, this information disclosure statement is being filed before either the mailing of a final action under 37 C.F.R. §1.113 or the mailing of a notice of allowance under 37 C.F.R. §1.113, and is accompanied by the \$240.00 fee as provided for in 37 C.F.R. §1.17(p).
- ☒ As set forth in 37 C.F.R. 1.97 (e) (1): That each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ Please charge the \$240.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 37 C.F.R. §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend time as required and charge Deposit Account No. 21-0550 therefore **TWO COPIES OF THIS SHEET ARE ENCLOSED.**

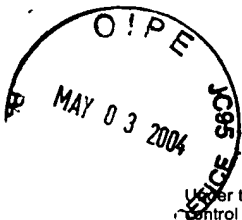
Early and favorable consideration of the case is respectfully requested.

Dated: \_\_\_\_\_

4/30/04

  
\_\_\_\_\_  
Lisa J. Moyles  
Reg. No. 40,737  
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PTO/SB/08A (10-01)  
Approved for use through 10/31/2002. OMB 0651-0031  
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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/730,826		
		Filing Date	12/08/2003		
		First Named Inventor	Eric R. Cosman		
		Art Unit	3737		
		Examiner Name	To Be Determined		
Sheet	1	of	1	Attorney Docket Number	2541FWC4DIVCIPCON3 (203-2716FWC4DIVCIPCON3)

U.S. PATENT DOCUMENTS					
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 6,006,126 A	12-21-1999	COSMAN Eric R.	
		US- 5,622,170A	04-22-1997	SCHULZ Waldean A	
		US- 5,446,548A	08-29-1995	GERIG et al	
		US- 4,859,181A	08-22-1989	NEUMEYER	
		US- 4,797,736A	01-10-1989	KLOOTS Jacobus et al	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	-	WO 97 45064 A	12-04-1997	PHILLIPS		
	-	WO 97 03601 A	02-06-1997	INTERACT MEDICAL		
	-	WO 97 47240 A	12-18-1997	LEICA		
	-	WO 96 11624 A	04-25-1996	BUCHOLZ; BASS; FOLEY; POPE		
	-	EP 0 629 963 A	12-21-1994	GEN ELECTRIC		
	-	EP 0 665 686 A	08-02-1995	TEXAS INSTRUMENTS		
	-	EP 0 672 389 A	09-20-1995	ROKE MANOR		
	-	DE 297 04 393 U	07-17-1997	AESCLAP		
	-	DE 295 05 318 U	05-18-1995	ZEISS		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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